



LAWASIA CONCERN FOR DEVELOPMENTS IN REPUBLIC OF NAURU

As the Law Association for Asia and the Pacific, LAWASIA records its concern for rule of law and independence of the judiciary in the Republic of Nauru under recent circumstances that have seen its sole magistrate summarily deported from the country and its Chief Justice (by revocation of his visa) prevented from returning to it.

It is further disturbed at reports that an injunction issued by the Chief Justice ordering a stay of the deportation order against Magistrate Peter Law was ignored by authorities.

The international legal community will always have concern for the rule of law where government actions portray a view that political power overrides orders of the court. It also holds the firm view that the removal from office of judicial officer must be based on adherence to due process.

LAWASIA calls on the authorities in Nauru to be mindful of the importance of the principle of independence of the judiciary as enshrined in numerous internationally-agreed instruments.

These include the *Basic Principles on the Independence of the Judiciary*, endorsed by General Assembly of the United Nations, of which the Republic of Nauru is a Member State and the *LAWASIA Beijing Statement of Principles of the Independence of the Judiciary*, an agreed position of 32 Chief Justices of the Asia Pacific region, signed in 1997 by the then Chief Justice of Nauru and Tuvalu.

Each of these *Statements of Principles* requires due process to be followed in a situation where judges are removed from office.

LAWASIA also expresses disquiet at the effect the recent actions will have on the proper functioning of the Nauru courts, noting the potential impact that the hasty loss of judicial officers will have on access to justice in Nauru.

Isomi Suzuki
PRESIDENT

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